

IN THE UNITED STATE DISRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LJ DOLIN,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action 2:16-CV-00529-GBW-GJF
THYSSENKRUPP ELEVATOR)	
CORPORATION,)	
)	
Defendant.)	
_____)	

**PLAINTIFF'S CONSENT MOTION TO PROVIDE SECURITY FOR COSTS ON
APPEAL AND DEPOSIT FUNDS INTO COURT REGISTRY**

Plaintiff LJ Dolin, by undersigned counsel and pursuant Fed. R. Civ. P 67, and D.N.M. LR-Civ. 65 and 67, respectfully moves this Court for leave to deposit money into the Court's registry as security for costs while on appeal, and as grounds therefore states the following:

1. On February 5, 2019, the Court entered an *Order Granting Defendant's Motion for Summary Judgment* (Doc. 72) and *Final Order* dismissing Plaintiff's federal claims and declining supplemental jurisdiction over Plaintiff's state claims (Doc. 73).
2. On February 15, 2019, Defendant filed a *Bill of Costs* (Doc. 75), and on March 18, 2019, the Court entered the *Clerk's Order Settling Costs* (Doc. 77) awarding the Defendant the amount of \$3,988.85.
3. On March 5, 2019, Plaintiff filed *Plaintiff's Motion for Reconsideration Under Fed. R. Civ. P. 59 and 60(b)* (Doc. 76) in response to the *Order Granting Defendant's Motion for Summary Judgement* (Doc. 72) and *Final Order* (Doc. 73).

4. On May 10, 2019, the Court entered an *Order Denying Plaintiff's Motion for Reconsideration* (Doc. 82), and on June 5, 2019, Plaintiff filed a Notice of Appeal (Doc. 83).
5. D.N.M.LR-65.1(b) states that the Court may require an appellant to file a bond or provide other security in a form and amount necessary to ensure payment of costs on appeal.
6. Pursuant to Fed. R. Civ. P. 67(a) “[i]f any part of the relief sought is a money judgment or the disposition of a sum of money or some other deliverable thing, a party—on notice to every other party and by leave of court—may deposit with the court all or part of the money or thing, whether or not that party claims any of it. The depositing party must deliver to the clerk a copy of the order permitting deposit.” *See also* D.N.M.LR 67.1.
7. Plaintiff seeks leave to deposit the money judgment for costs in the amount of \$3,988.85.
8. As grounds for leave, the referenced amount is contingent on Defendant prevailing, which is under dispute pursuant to the Notice of Appeal (Doc. 83).
9. Pursuant to D.N.M LR Civ-7, counsel for Defendant was contacted to obtain consent on this motion. Defendant’s counsel Garrett Wozniak responded by indicating that Defendant was agreeable to the relief being requested herein.

Respectfully submitted,

ROYBAL-MACK & CORDOVA P.C.

/s/ Amelia P. Nelson

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of June 2019, I filed the foregoing pleading electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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